

FILED
2ND JUDICIAL DISTRICT COURT
Bernalillo County
3/15/2021 6:15 PM
CLERK OF THE COURT
Blair Sandoval

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND JUDICIAL DISTRICT COURT

JEANIE BISCONTE,

Plaintiff,

v.

No. D-202-CV-2021-01682

SANDIA NATIONAL LABORATORIES,
JOHN MOUNHO, in his individual and official capacity, and
EDWARD SAUCIER, in his individual and official capacity,

Defendants.

COMPLAINT FOR DISCRIMINATION AND RETALIATION

COMES NOW Plaintiff Jeanie Bisconte by and through her attorneys of record, the Law Offices of Erika E. Anderson (Erika E. Anderson, Esq., Kaela S. Holmen, Esq. and Lucy River, Esq.) and brings this action pursuant to the New Mexico Human Rights Act, NMSA § 28-1-1 *et seq.*, against Sandia National Laboratories and its employees, John Mounho and Edward Saucier. Plaintiff alleges against Defendants, under agency theory and *respondeat superior* as applicable, and upon knowledge as to herself and all matters of public record, and upon information and belief as to all other matters, as follows:

PARTIES, JURISDICTION, AND VENUE

1. Plaintiff is a resident of Bernalillo County, New Mexico.
2. At all times material hereto, the events described herein occurred in Bernalillo County, New Mexico.
3. During the timeframe material to the allegations contained in this Complaint, Plaintiff was employed at Sandia National Laboratories (hereinafter “Sandia”), either at the Innovation Parkway Office Center (IPOC) located at 1611 Innovation Parkway in Albuquerque,

Exhibit A

Bernalillo County, New Mexico, or at Plaintiff's telecommute location of 5332 John Thomas Drive NE in Albuquerque, Bernalillo County, New Mexico.

4. Defendant Sandia, managed by National Technology & Engineering Solutions of Sandia, LLC (NTESS) under Prime Contract DE-NA0003525, is a Government Owned Contractor Operated (GOCO) contractor to the United States Department of Energy's National Nuclear Security Administration (NNSA) with its headquarters located in Albuquerque, Bernalillo County, New Mexico.

5. John Mounho (hereinafter "Defendant Mounho") was employed by Sandia at all times material to the allegations of this Complaint.

6. Edward Saucier "hereinafter "Defendant Saucier") was employed by Sandia at all times material to the allegations of this Complaint.

7. Plaintiff filed Charges of Discrimination with the New Mexico Equal Employment Opportunity Commission (EEOC) on August 17, 2018, November 7, 2018 and April 9, 2019, respectively.

8. On March 19, 2020, Plaintiff received a Determination of Probable Cause from the Department of Workforce Solutions regarding her Human Rights Bureau Complaint # 19-04-03-0104 and EEOC Complaint # 39B-2019-00403.

9. Plaintiff has exhausted her administrative remedies and this Complaint is timely filed.

10. This Court has personal jurisdiction over each Defendant.

11. This Court has subject matter jurisdiction over the matters alleged pursuant to the statutes cited herein and under its general jurisdictional powers.

12. Venue is proper in Bernalillo County.

PLAINTIFF'S STATEMENT OF FACTS

13. After graduating Summa Cum Laude with dual Bachelor's degrees, Plaintiff began working at Sandia as a Graduate Student Intern on February 18, 2002.

14. After earning her Master's degree, Plaintiff accepted a hiring offer and began working as a member of Technical Staff effective September 23, 2005.

15. Plaintiff advanced greatly in role and responsibility during her tenure at Sandia from Technical Analyst to expert role of Accounts Payables and Payments Primary Technical Analyst/Module Lead in 2010.

16. In 2013, Plaintiff was promoted to Senior Member of Technical Staff.

17. In 2014, Plaintiff spoke with her manager at the time, Tracy Jones (hereinafter "Mr. Jones"), during her performance evaluation and noted that Plaintiff was underpaid relative to her module lead peers who were mostly male. Mr. Jones acknowledged Plaintiff's concerns and encouraged Plaintiff to contact Sandia's Human Resources (HR).

18. On September 9, 2014, Plaintiff sent an email to HR requesting a salary increase. HR later met with Plaintiff in person and denied Plaintiff's request.

19. On September 21, 2017, Plaintiff filed a complaint with HR regarding persistent, escalating discriminatory behaviors on the part of her manager, Defendant Mounho.

20. In addition to reporting Defendant Mounho's escalating and ongoing harassment and discrimination, Plaintiff also complained to HR the fact that female employees were routinely paid and promoted less than their male counterparts.

21. On October 2, 2017, Plaintiff filed her HRB Charge #17-10-04-0300 for discrimination on the basis of disability and retaliation.

22. On December 18, 2017, Sandia denied that Plaintiff filed any harassment complaints in its Position Statement Questionnaire for HRB #17-10-04-0030, despite the fact that Plaintiff filed her complaint with Sandia's HR three months prior on September 21, 2017.

23. Sandia's HR had firsthand knowledge of Plaintiff's September 21, 2017 complaint and nonetheless denied any knowledge of it whatsoever.

24. On May 22, 2018, Plaintiff filed an internal complaint for gender-related issues and again requested a salary review and adjustment commensurate with Plaintiff's colleagues' salaries.

25. On July 5, 2018, Sandia's internal Equal Employment Office (EEO) denied Plaintiff's gender discrimination complaint and rejected Plaintiff's additional request for salary increase.

26. Sandia included the EEO out-brief in its response to HRB #19-04-03-01014, which belonged categorically in EEOC #543-2018-01083.

27. Sandia failed to disclose the protected activity of Plaintiff's complaint to Sandia's HR department on September 21, 2017.

28. Sandia's internal EEO verbally told Plaintiff that Defendant Mounho denied stating that it would be "very unlikely" for Plaintiff to be promoted in her role, and that promoting Plaintiff would be "very challenging regardless," even if Plaintiff assumed another role.

29. The EEO stated "Mr. Mounho stated that Ms. Bisconte's role as IT support for Accounts Payable is an entry-level role." This statement is not only incorrect, it is also demonstrative of Sandia's refusal to effectively respond to Plaintiff's complaints.

30. Sandia's internal EEO relied solely on the conclusions and opinions of the manager who was one of the subjects of Plaintiff's complaints.

31. As the Level II manager, Defendant Saucier was aware that Plaintiff's role of Primary Technical Analyst/Module Lead is not an entry level position. Nonetheless, Sandia's EEO stated that Defendant Saucier was the "decision maker."

32. Plaintiff's role was incorrectly described as an "entry level position."

33. The EEO provided its decision to Plaintiff over the phone on July 5, 2018 and did not include the fact that they were treating her role as "entry level."

34. Plaintiff was repeatedly overlooked for promotion and denied promotion while similarly-situated male employees rapidly and disproportionately advanced.

35. Despite her long career, Plaintiff received a lower salary than her male colleagues with similar or, in some cases, fewer responsibilities than Plaintiff.

36. On August 24, 2017, Defendant Mounho told Plaintiff in a performance evaluation that he was told by senior management to manage illness as a performance issue.

37. Following this conversation, Plaintiff became fearful of Defendant Saucier, believing that it was Defendant Saucier who failed in his duty to protect Plaintiff as she managed her disability.

38. On July 2, 2018, the Sandia Health and Benefits medical case manager initiated Plaintiff's long-term disability separation processes after receiving documentation from Plaintiff's treating physicians detailing Plaintiff's disability.

39. On August 21, 2018, Plaintiff filed her EEOC Charge # 543-2018-01083 for gender discrimination.

40. On November 7, 2018, Plaintiff filed HRB Charge #19-04-03-0104 for additional ongoing issues and retaliation that occurred after Plaintiff filed HRB Charge #1710-04-0300.

41. On February 28, 2019, Plaintiff was contacted by a Sandia lead benefits administrator and informed that Sandia recalculated Plaintiff's leave balances, and that Sandia would use that recalculation to discontinue Plaintiff's already awarded long-term disability policy.

42. On March 15, 2019, Plaintiff was terminated without cause, despite Plaintiff's long record of employment and consistently positive employee evaluations.

43. Upon information and belief, Plaintiff was discharged as a direct result of her complaints and her disability.

44. Sandia falsely claimed that Plaintiff had performance-based unmet areas of improvement, despite Plaintiff's long and overwhelmingly successful career as an employee of Sandia.

45. On April 16, 2019, Plaintiff filed EEOC Charge # 543-2019-00509 alleging retaliation.

COUNT I
Gender Discrimination and Retaliation under the New Mexico Human Rights Act,
NMSA § 28-1-1 et seq.
(All Defendants)

46. The allegations set forth are re-alleged and incorporated herein by reference.

47. Plaintiff was denied advancement and commensurate salary to her male peers.

48. Plaintiff attempted to seek redress through her managers and through Sandia but was dismissed and denied at every turn.

49. Defendant Saucier explicitly ignored and dismissed Plaintiff's concerns and complaints for years during which Plaintiff underwent severe discrimination and retaliation.

50. Defendant Sandia retaliated against Plaintiff by continuing to deny her advancement, falsely claiming that Plaintiff had performance-related issues, and ultimately terminating Plaintiff due to her gender and disability status.

51. Such actions are in violation of the New Mexico Human Rights Act.

COUNT II
VIOLATION OF THE NEW MEXICO FAIR PAY FOR WOMEN ACT,
NMSA § 28-23-1 et seq.
(All Defendants)

52. The allegations set forth are re-alleged and incorporated herein by reference.

53. Under the New Mexico Fair Pay for Women Act (FPWA), it is unlawful for employers to

“discriminate, within any establishment in which such employees are employed, between employees on the basis of sex by paying wages to employees in the establishment at a rate less than the rate that the employer pays wages to employees of the opposite sex in the establishment for equal work on jobs the performance of which requires equal skill, effort and responsibility and that are performed under similar working conditions, except where the payment is made pursuant to a (1) seniority system; (2) merit system; or (3) system that measures earnings by quantity or quality of production.

54. Sandia paid different wage rates to men and women who worked in the same establishment, under similar working conditions, who were performing work on jobs requiring equal skill, effort, and responsibility.

55. Plaintiff was paid less than her male counterparts and the wage differential was not based upon a seniority or merit system, or a system that measures earnings based upon the quality or quantity of production.

56. Even when Plaintiff brought this violation to the attention of Defendants, no remedial action was taken on the part of Defendants to comply with the FPWA.

57. As a result, Plaintiff suffered damages allowed pursuant to the FPWA in an amount to be determined at trial.

COUNT III
BREACH OF IMPLIED CONTRACT
(All Defendants)

58. The allegations set forth are re-alleged and incorporated herein by reference.

59. Sandia has policies and procedures in place to protect its employees from retaliation in the workplace.

60. Defendants had a duty to honor Sandia's policies and maintain a workplace free of discrimination and retaliation.

61. Defendants breached this duty by tolerating an atmosphere of discrimination and retaliation, which resulted in Plaintiff's wrongful termination.

62. As a proximate cause of Defendants' breach, Plaintiff has suffered damages in an amount to be proven at trial.

PRAYER FOR RELIEF

WHEREFORE, on each and every count of this Complaint, Plaintiff requests that the Court enter judgment in her favor and against Defendants to include all appropriate monetary and equitable relief, including the value of lost employment benefits to Plaintiff, in an amount to be determined at trial. Plaintiff seeks to be made whole for the losses she suffered as a result of the illegal conduct alleged in this Complaint; any pre-judgment or post-judgment interest that may apply on the amount of lost wages and benefits determined to be due; compensatory damages to Plaintiff to fully compensate her for the pain and suffering caused by the illegal conduct alleged

in this Complaint; together with Plaintiff's costs and disbursements in this action, applicable attorney fees or costs, and further relief as the Court deems just and proper.

Respectfully submitted,

LAW OFFICES OF ERIKA E. ANDERSON

/s/Erika E. Anderson

Erika E. Anderson

Kaela S. Holmen

Lucy River,

2025 Rio Grande Blvd., NW

Albuquerque, NM 87104

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FILED
2ND JUDICIAL DISTRICT COURT
Bernalillo County
3/15/2021 6:15 PM
CLERK OF THE COURT
Blair Sandoval

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND JUDICIAL DISTRICT COURT

JEANIE BISCONTE,

Plaintiff,

v.

No. D-202-CV-2021-01682

SANDIA NATIONAL LABORATORIES,
JOHN MOUNHO, in his individual and official capacity, and
EDWARD SAUCIER, in his individual and official capacity,

Defendants.

COURT-ANNEXED ARBITRATION CERTIFICATION

Plaintiff, by and through her attorneys, the Law Offices of Erika E. Anderson (Erika E. Anderson, Kaela S. Holmen and Lucy River), pursuant to Second Judicial District Local Rule, LR2-603, certify that Plaintiff seeks relief other than a money judgment and/or seek relief in excess of Twenty-Five Thousand Dollars (\$25,000.00), exclusive of punitive damages, interest, costs and attorneys' fees.

Respectfully submitted,

LAW OFFICES OF ERIKA E. ANDERSON

/s/Erika E. Anderson
Erika E. Anderson
Kaela S. Holmen
Lucy River,
2025 Rio Grande Blvd., NW
Albuquerque, NM 87104
505-944-9039 / 505-243-3534 fax
erika@eandersonlaw.com
kaela@eandersonlaw.com
lucy@eandersonlaw.com

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND JUDICIAL DISTRICT COURT

FILED
2ND JUDICIAL DISTRICT COURT
Bernalillo County
3/16/2021 10:54 AM
CLERK OF THE COURT
Thomas Wilson

JEANIE BISCONTE,

Plaintiff,

v.

No. D-202-CV-2021-01682

SANDIA NATIONAL LABORATORIES,
JOHN MOUNHO, in his individual and official capacity, and
EDWARD SAUCIER, in his individual and official capacity,

Defendants.

PEREMPTORY ELECTION TO EXCUSE

COMES NOW Plaintiff by and through her attorneys, the Law Offices of Erika E. Anderson (Erika E. Anderson, Kaela S. Holmen and Lucy River), and pursuant to NMRA 1-088.1 peremptorily elects to excuse the Honorable Clay Campbell from presiding over this matter.

Respectfully submitted,

LAW OFFICES OF ERIKA E. ANDERSON

/s/Erika E. Anderson
Erika E. Anderson
Kaela S. Holmen
Lucy River,
2025 Rio Grande Blvd., NW
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FILED
2ND JUDICIAL DISTRICT COURT
Bernalillo County
3/16/2021 11:32 AM
CLERK OF THE COURT
Thomas Wilson

STATE OF NEW MEXICO
BERNALILLO COUNTY
SECOND JUDICIAL DISTRICT COURT

JEANIE BISCONTE

V.



SANDIA NATIONAL LABORATORIES, ET AL.

No. D-202-CV-2021-01682

NOTICE OF JUDGE REASSIGNMENT

The above referenced case has been reassigned to the Honorable Lisa Chavez Ortega, District Judge, Second Judicial District. This reassignment is effective 3/16/2021.

KATINA WATSON
CLERK OF THE DISTRICT COURT

 SECOND JUDICIAL DISTRICT COURT
CLERK OF THE COURT
By: 
Deputy Clerk

Electronically Filed On: 3/16/2021

To All Parties Entitled to Notice

SUMMONS

FILED
2ND JUDICIAL DISTRICT COURT
Bernalillo County
4/26/2021 9:55 AM
CLERK OF THE COURT
Luke Tessman

STATE OF NEW MEXICO COUNTY OF BERNALILLO SECOND JUDICIAL DISTRICT COURT Court Address: 400 Lomas Blvd., NW Albuquerque, NM 87102 Court Telephone No: 505-841-7451	Case No: D-202-CV-2021-01682 Judge: Clay Campbell
JEANIE BISCONTE, Plaintiff, v. SANDIA NATIONAL LABORATORIES, JOHN MOUNHO, in his individual and official capacity, and EDWARD SAUCIER, in his individual and official capacity, Defendants.	Defendant Name: Edward Saucier Address:

TO THE ABOVE-NAMED DEFENDANT(S): Take notice that

1. A lawsuit has been filed against you. A copy of the lawsuit is attached. The Court issued this Summons.
2. You must respond to this lawsuit in writing. You must file your written response with the Court no later than thirty (30) days from the date you are served with this Summons. (The date you are considered served with the Summons is determined by Rule 1-004 NMRA) The Court's address is listed above.
3. You must file (in person or by mail) your written response with the Court. When you file your response, you must give or mail a copy to the person who signed the lawsuit.
4. If you do not respond in writing, the Court may enter judgment against you as requested in the lawsuit.
5. You are entitled to a jury trial in most types of lawsuits. To ask for a jury trial, you must request one in writing and pay a jury fee.
6. If you need an interpreter, you must ask for one in writing.
7. You may wish to consult a lawyer. You may contact the State Bar of New Mexico for help finding a lawyer at www.nmbar.org; 1-800-876-6227; or 1-505-797-6066.

Dated at _____, New Mexico, this 3/16/2021 day of _____, 2021.



Katina Watson
 SECOND JUDICIAL DISTRICT COURT
 CLERK OF THE COURT

By: [Signature]
 Deputy Clerk

LAW OFFICES OF ERIKA E. ANDERSON

Erika E. Anderson

Kaela S. Holmen

Lucy River

2025 Rio Grande Blvd. NW

Albuquerque, NM 87104

(505) 944-9039 / (505) 243-3534 Fax

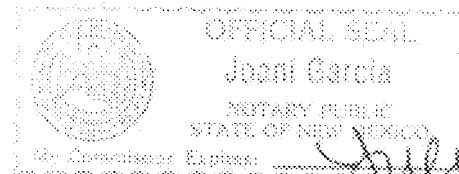
erika@eandersonlaw.comkaela@eandersonlaw.comlucy@eandersonlaw.com*Attorneys for Plaintiff*

[Signature]
Signature of person making service
[Signature]
Title (if any)

Subscribed and sworn to before me this 24 day of April, 2021.

[Signature]
Judge, notary or other officer authorized to administer oaths

[Signature]
Official title



July 20, 2023

SUMMONS

FILED
2ND JUDICIAL DISTRICT COURT
Bernalillo County
4/26/2021 9:55 AM
CLERK OF THE COURT
Luke Tessman

STATE OF NEW MEXICO COUNTY OF BERNALILLO SECOND JUDICIAL DISTRICT COURT Court Address: 400 Lomas Blvd., NW Albuquerque, NM 87102 Court Telephone No: 505-841-7451	Case No: D-202-CV-2021-01682 Judge: Clay Campbell
JEANIE BISCONTE, Plaintiff, v. SANDIA NATIONAL LABORATORIES, JOHN MOUNHO, in his individual and official capacity, and EDWARD SAUCIER, in his individual and official capacity, Defendants.	Defendant Name: John Mounho Address:

TO THE ABOVE-NAMED DEFENDANT(S): Take notice that

1. A lawsuit has been filed against you. A copy of the lawsuit is attached. The Court issued this Summons.
2. You must respond to this lawsuit in writing. You must file your written response with the Court no later than thirty (30) days from the date you are served with this Summons. (The date you are considered served with the Summons is determined by Rule 1-004 NMRA) The Court's address is listed above.
3. You must file (in person or by mail) your written response with the Court. When you file your response, you must give or mail a copy to the person who signed the lawsuit.
4. If you do not respond in writing, the Court may enter judgment against you as requested in the lawsuit.
5. You are entitled to a jury trial in most types of lawsuits. To ask for a jury trial, you must request one in writing and pay a jury fee.
6. If you need an interpreter, you must ask for one in writing.
7. You may wish to consult a lawyer. You may contact the State Bar of New Mexico for help finding a lawyer at www.nmbar.org; 1-800-876-6227; or 1-505-797-6066.

Dated at _____, New Mexico, this 3/16/2021 day of _____, 2021.



Kalina Watson
 SECOND JUDICIAL DISTRICT COURT
 CLERK OF THE COURT

By: [Signature]
 Deputy Clerk

LAW OFFICES OF ERIKA E. ANDERSON

Erika E. Anderson

Kaela S. Holmen

Lucy River

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Albuquerque, NM 87104

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Attorneys for Plaintiff

THIS SUMMONS IS ISSUED PURSUANT TO RULE 1-004 NMRA OF THE NEW MEXICO RULES OF CIVIL PROCEDURE FOR DISTRICT COURTS.

RETURN

[illegible]

I, being duly sworn, on oath, state that I am over the age of eighteen (18) years and not a party to this lawsuit, and that I served this summons in Bernadillo county on the 19 day of April, 2021, by delivering a copy of this summons, with a copy of complaint attached, in the following manner:

(check one box and fill in appropriate blanks)

☒ to the defendant John Mena (used when defendant accepts a copy of summons and complaint or refuses to accept the summons and complaint)

[] to the defendant by [mail] [courier service] as provided by Rule 1-004 NMRA (*used when service is by mail or commercial courier service*).

After attempting to serve the summons and complaint on the defendant by personal service or by mail or commercial courier service, by delivering a copy of this summons, with a copy of complaint attached, in the following manner:

[] to _____, a person over fifteen (15) years of age and residing at the usual place of abode of defendant _____, (used when the defendant is not presently at place of abode) and by mailing by first class mail to the defendant at _____ (insert defendant's last known mailing address) a copy of the summons and complaint.

[] to _____, the person apparently in charge at the actual place of business or employment of the defendant and by mailing by first class mail to the defendant at _____ (insert defendant's business address) and by mailing the summons and complaint by first class mail to the defendant at _____ (insert defendant's last known mailing address).

[] to _____, an agent authorized to receive service of process for defendant _____;

[] to _____, [parent] [guardian] [custodian] [conservator] [guardian ad litem] of defendant _____ (used when defendant is a minor or an incompetent person).

[] to _____ (name of person), _____, (title of person authorized to receive service. Use this alternative when the defendant is a corporation or an association subject to a suit under a common name, a land grant board of trustees, the State of New Mexico or any political subdivision).

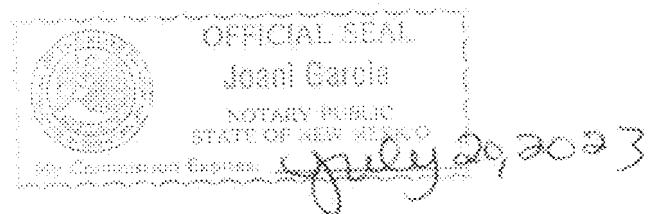
Fees: 340

[Signature]
Signature of person making service
[Signature]
Title (if any)

Subscribed and sworn to before me this 24 day of April, 2021.

[Signature]
Judge, notary or other officer authorized to administer oaths

[Signature]
Official title



Skip to Main Content Logout My Account Search Menu Search Refine Search Back

Location : All Courts Images

REGISTER OF ACTIONS**CASE No. D-202-CV-2021-01682****Jeanie Bisconte v. Sandia National Laboratories, et al.**§
§
§
§
§
§Case Type: **Civil Violations, Statutes, Ordinances**Date Filed: **03/15/2021**

Location:

Judicial Officer: **Ortega, Lisa Chavez****PARTY INFORMATION**

		Attorneys
Defendant	Mounho, John	
Defendant	Mounho, John <i>On Behalf Of</i> Sandia National Laboratories	
Defendant	Sandia National Laboratories	
Defendant	Saucier, Edward	
Defendant	Saucier, Edward <i>On Behalf Of</i> Sandia National Laboratories	
Plaintiff	Bisconte, Jeanie	Erika Anderson <i>Retained</i> 505-944-9039(W)

EVENTS & ORDERS OF THE COURT

OTHER EVENTS AND HEARINGS		
03/15/2021	Cause Of Actions	Other
	Action Type	Action
03/15/2021	<u>OPN: COMPLAINT</u>	
03/15/2021	<u>ARB: CERT NOT SUBJECT</u>	
03/16/2021	Summons	
	Sandia National Laboratories	Unserved
	Mounho, John	Served 04/19/2021
		Response Due 05/19/2021
		Returned 04/26/2021
	Saucier, Edward	Served 04/19/2021
		Response Due 05/19/2021
		Returned 04/26/2021
03/16/2021	<u>JDG: JUDGE EXCUSAL/PEREMPTORY CHALLENGE</u> (Judicial Officer: Campbell, Clay)	
03/16/2021	<u>JDG: NOTICE OF JUDGE ASSIGNMENT</u> (Judicial Officer: Ortega, Lisa Chavez)	
04/26/2021	<u>SUMMONS RETURN</u>	
04/26/2021	<u>SUMMONS RETURN</u>	

FINANCIAL INFORMATION

Plaintiff Bisconte, Jeanie		
	Total Financial Assessment	132.00
	Total Payments and Credits	132.00
	Balance Due as of 05/06/2021	0.00
03/16/2021	Transaction Assessment	132.00
03/16/2021	File & Serve Payment Receipt # ALBD-2021-5416	Bisconte, Jeanie (132.00)